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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,245	07/19/2000	Paul W. Stiles	336080-00010	1091

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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/619,245

Applicant(s)

STILES ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21 and 23-32 is/are rejected.
- 7) ☒ Claim(s) 12 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities:

Claim 8 should start on a separate line rather than being appended to Claim 7.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 16-17 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the specification and drawings do not disclose support for the report sections claimed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the term event of line 2 does not have antecedent basis, the previous term is event/alert.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-10, 23, 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the claims are not seen to be in the technological arts because no apparatus is seen to be manipulated. The method steps claimed could be done by a travel agent rather than by an apparatus.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-9, 11, 13-18, 20-21, 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehret et al (5,006,985).

As per Claims 1, 11, 23, 27.

Ehret et al ('985) discloses:

acquiring information from at least one information source, see figures 1a-c-4;  
transforming said acquired information into pertinent travel related activities, see figure 5 and column 6, lines 41-51;  
using rules for applying the transformed travel information to said consumer-specific travel profile, see figure 18 and column 6, lines 41-51;  
creating a product for said consumer indicative of the results of said application of said transformed travel information to said consumer-specific travel profile, see column 6, lines 41-51.

As per Claim 3.

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Ehret et al ('985) further discloses performing an advisement function, see figures 6 and 7a-b.

As per Claim 4.

Ehret et al ('945) further discloses applying medical information and epidemiology findings to provide at least a portion of said transformed travel information, see column 6, lines 41-51.

As per Claim 5, 15, 28.

Ehret et al ('945) further discloses creating a travel report for the consumer, see figures 6, and 7a-b.

As per Claim 6, 20, 29.

Ehret et al ('945) further discloses identifying alert information related to a travel destination of a consumer, see figure 6.

As per Claim 7, 21.

Ehret et al ('945) further discloses distributing said alert information to the consumer, see figure 6.

As per Claim 8.

Ehret et al ('945) further discloses distributing said alert information to the consumer, see figure 6.

As per Claim 9, 30, 31.

Ehret et al ('945) further disclose delivering a product to said consumer indicative of said transformed travel data, see figures 5-7a-b.

As per Claim 13.

Ehret et al ('945) further discloses a content acquisition/aggregation segment for acquiring and identifying the content of said acquired information with regard to a specific domain of said acquired information, see column 6, lines 41-51.

As per Claim 14.

Ehret et al ('945) further discloses a rules engine applying rules, see column 6, lines 41-51.

As per Claim 16.

Ehret et al ('945) further discloses the report, see figure 5 contains pre-trip information section, a destination information section, (Destination), a general advice section (Diet Version) and a products/services section, see figure 7c (flight #).

As per Claim 17.

Ehret et al ('945) further discloses the report contains travel information customized for the consumer including destination, see figure 5 (Destination).

As per Claim 18.

Ehret et al ('945) further discloses the report is generated in at least one electronic format, see figure 5.

As per Claim 24.

Ehret et al ('945) further discloses applying queries, see figure 1b (preferred times).

As per Claim 25.

Ehret et al ('945) further discloses the analysis subsystem includes a filter and an index, see figure 28.

As per Claim 26.

Ehret et al ('945) further discloses classifying said filtered data as supplemental content or as an alert, see figure 6 and column 7, lines 3-14.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 10, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882).

As per Claims 2.

Ehret et al ('985) does not specifically disclose the internet.

Tagawa teaches making travel plans by interacting with a server figure 2b (102) on a network, see (52,56,62), but does not disclose the internet.

Simpson et al ('882) teaches the Internet as a network, see column 4, lines 31-67 as an advancement in technology.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ehret et al to use a network such as the internet as taught by Tagawa and Simpson et al to reach a wider client base.

As per Claim 10, 32.

Ehret et al ('985) teaches displaying the output to the customer, see figures 5-7c, but does not disclose the distribution channel is the internet, wireless media or physical delivery location. Mail delivery of travel information is well known in the art, see figure 7c address on the itinerary report, that could be used with a window envelope, travel agents have historically mailed tickets and itinerary to customers in the days before etickets.

Simpson et al ('882) teaches the internet as a network, see column 4, lines 31-67 as an advancement in technology.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ehret et al to use a network such as the internet as taught by Tagawa and Simpson et al to reach a wider client base.

7. Claims 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehret et al (5,006,985) in view of Kettner et al "When vacations turn sour..."

As per Claim 19.

Ehret et al ('985) teaches sending a alerts to the customer, see figure 6, but does not disclose a trip rating indicative of the risk of the trip.

Kettner et al teaches cautioning travelers of travel related risks, see page 3, lines 5-9 for the benefit of avoiding lawsuits.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send a customer an alert retarding travel related risks as taught by Kettner et al in the invention of Ehret et al ('985) to avoid lawsuits.

### ***Allowable Subject Matter***

8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

As per Claim 12.

The prior art of record, specifically, Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882) does not disclose or fairly teach a content identification segment for performing identification of potential information sources.

As per Claim 22.

The prior art of record, specifically, Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882) does not disclose or fairly teach a means for applying keyword analysis to said event/alert segment for analyzing said received event/alert.

***Prior Art Made of Record***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tagawa (WO 97/17680) teaches an automated system for making travel reservations on a network, but does not disclose the internet.

Kettner et al (When vacations turn sour, travel agents need E&O insurance) teaches the need to collect information regarding customer medical/health conditions to avoid lawsuits from unhappy travelers.

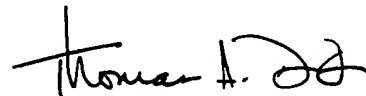


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon  
Examiner  
Art Unit 3629

February 13, 2003